UNITED NATIONS

General Assembly

FIFTY-FIRST SESSION

Official Records

SIXTH COMMITTEE
25th meeting
held on
Friday, 25 October 1996
at 3 p.m.
New York

SUMMARY RECORD OF THE 25th MEETING

Chairman: Mr. YAMADA (Japan)

(Chairman of the Working Group of the Whole on the Elaboration of a Framework Convention on the Law of the Non-Navigational Uses of International Watercourses)

CONTENTS

AGENDA ITEM 144: CONVENTION ON THE LAW OF THE NON-NAVIGATIONAL USES OF INTERNATIONAL WATERCOURSES (continued)

This record is subject to correction. Corrections should be sent under the signature of a member of the delegation concerned *within one week of the date of the publication* to the Chief of the Official Records Editing Section, room DC2-794, 2 United Nations Plaza, and incorporated in a copy of the record.

Corrections will be issued after the end of the session, in a separate corrigendum for each Committee.

Distr. GENERAL
A/C.6/51/SR.25
4 December 1996

ORIGINAL: ENGLISH

96-81638 (E)

Mr. Yamada (Chairman of the Working Group of the Whole on the Elaboration of a Framework Convention on the Law of the Non-Navigational Uses of International Watercourses) took the Chair.

The meeting was called to order at 3.15 p.m.

AGENDA ITEM 144: CONVENTION ON THE LAW OF THE NON-NAVIGATIONAL USES OF INTERNATIONAL WATERCOURSES (continued)

Organization of work (continued)

1. Mr. NGUYEN DUY CHIEN (Viet Nam) said that, in view of the problems associated with reconvening the Working Group of the Whole in December 1996 or early 1997, to which some delegations and the secretariat had drawn attention, the best course would be simply to recommend reconvening it as soon as possible. The United States proposal in that regard thus merited consideration.

2. Mr. YIMER (Ethiopia) said consideration of the draft articles must not be rushed. The earliest appropriate date for reconvening the Working Group would be January 1997, and a minimum of two weeks should be devoted to the topic.

3. Mr. THAHIM (Pakistan) said it was important not to lose momentum. In view of the ease with which delegations could seek instructions from their Governments during the session of the Sixth Committee, his delegation supported the Brazilian proposal that the consideration of the draft articles should be taken up again, and completed in December 1996.

4. Mr. CRISÓSTOMO (Chile) said it was unrealistic to expect delegations to obtain the necessary instructions from Governments and information from specialized agencies in the few weeks still available before December 1996. Consideration should be given to reorganizing the Sixth Committee's agenda so as to give the item the priority it deserved: two weeks could then be devoted to the draft articles at the start of the next session, in September 1997.

5. Mr. NUSSBAUM (Canada) said that, as the schedule for the period from February to December 1997 was already very full, and as some delegations felt that December 1996 was too early a date, January 1997 might perhaps be an appropriate time to resume discussions of the draft articles in a two-week session of the Working Group.

6. Mr. LEGAL (France) said that the Working Group's mandate was set forth in General Assembly resolution 49/52. The Group now had two and a half hours in which to prepare a report on progress in accomplishing that mandate for submission to the General Assembly. As yet, however, no draft text of such a report had been circulated. A text must surely be available.

7. Mr. HAMDAN (Lebanon) inquired whether the Working Group was proposing to adopt its draft report at the current meeting. If that was the case, a written text thereof must be made available. In the circumstances, it might be best to adopt that report when the Working Group was reconvened.

8. The CHAIRMAN expressed the hope that the Working Group's report would take the form of a very brief statement on progress made and further action to be taken. A draft text along those lines would be circulated as soon as possible.

9. He had detected a consensus that Governments needed time to reflect on the progress made by the Working Group and that it was essential not to lose momentum. The question was, how to reconcile those two requirements. Many factors would have to be taken into account in deciding on a date for reconvening the Working Group. He had therefore suggested that consultations should be held on the matter. Pending the outcome of those consultations, he invited the Working Group to resume its consideration of the report of the Drafting Committee.

Report of the Drafting Committee (A/C.6/51/NUW/WG/L.1 and Corr.1 and 2, L.1/Add.1, Add.2 and Corr.1, Add.3 and Add.4) (continued)

10. The CHAIRMAN said that delegations' positions and proposals on the various draft articles were reflected in the summary records covering the meetings of the Working Group. There was thus no call to reopen the debate on any given article. If, however, delegations wished briefly to record their positions concerning the report of the Drafting Committee, they could do so.

11. Mr. HADDADIN (Jordan) expressed the hope that the absence of any reference in the report of the Drafting Committee to the International Law Commission's resolution on confined transboundary groundwater, contained in document A/49/10, did not imply that delegations approved of the content of that resolution. It was very important that the issue should be discussed at subsequent meetings, but it was equally important to point out in the report that the issue had not been discussed in the Drafting Committee. He reserved the right to reintroduce his delegation's proposals on article 2 and article 18.

12. Mr. PAZARCI (Turkey) said that when introducing his report at the previous meeting, the Chairman of the Drafting Committee had not reflected Turkey's reservations regarding some of the articles in part III. He therefore wished to reaffirm those reservations. Furthermore, the Chairman of the Drafting Committee had not touched on article 7; some explanation of that article would be welcome.

13. Mr. MAZILU (Romania) said that the report accurately reflected the progress made by the Drafting Committee. However, the Chairman of the Drafting Committee had promised to revert to article 7 at a later point in his presentation, but had in fact omitted to do so, as the representative of Turkey had pointed out.

14. Mr. MANONGI (United Republic of Tanzania) said that, as it had originally been intended to reflect the Egyptian proposal on article 3, paragraph 2, in a footnote, his delegation had not deemed it necessary to enter a reservation thereto. As that proposal currently appeared as an alternative version of paragraph 2 in the text worked out by the Drafting Committee (A/C.6/51/NUW/WG/L.1), he wished to record his delegation's reservation in respect of that proposal.

15. Mr. LEGAL (France) said that the report of the Drafting Committee was acceptable to his delegation, on the strict understanding that the text of the

oral presentation of the report by the Chairman of the Drafting Committee, as reflected in the summary record of the previous meeting, constituted an integral part of the report.

16. The CHAIRMAN confirmed that the oral presentation by the Chairman of the Drafting Committee would be fully reflected in the relevant summary record, and that it constituted an integral part of the report. The text thereof would be circulated as soon as it became available.

17. Mr. HAMDAN (Lebanon) said that while the discussions on article 27 had been faithfully reflected in the statement by the Chairman of the Drafting Committee, it should also be made clear that that statement had been an agreed text reflecting a compromise on the proposal to amend article 27. That draft proposal should be reflected in the official documentation of the Working Group.

18. Mr. LAMMERS (Netherlands), Chairman of the Drafting Committee, confirmed that his oral presentation had been an agreed statement with regard to the interpretation to be placed on that particular article. Article 28 contained a reference to recourse to competent international organizations. While it had not been deemed desirable to repeat that reference in every article, it had been agreed that recourse to such organizations should also be recognized in other articles.

19. Mr. KASSEM (Syrian Arab Republic) said that his delegation's position on some articles was not fully reflected in the Drafting Committee report. Examples were its reservation regarding the use of the term "pedological" in article 6, and the use of the term "significant", which his delegation considered should be deleted or amended.

20. Mr. LAMMERS (Netherlands), Chairman of the Drafting Committee, said that there was no need for the Syrian delegation to enter a reservation concerning the use of the term "pedological": many delegations had expressed reservations with regard to that term, and it had thus been included within square brackets. Time had not permitted the more detailed consideration that notion required.

21. The adjective "significant" appeared in two rather different contexts. With regard to the notion of "significant harm", a number of delegations had expressed reservations, a fact which was reflected in a footnote. The term was also used in the phrases "significant adverse effect" and "adversely affect to a significant extent". As the Commission's commentary indicated, the latter use was not the same thing as the notion of "significant harm". The Drafting Committee had therefore adopted those expressions, wherever they occurred, without recourse to brackets. Delegations that continued to have reservations with regard to the expression could indicate that fact in a footnote.

22. Mr. SVIRIDOV (Russian Federation) said that his country was listed in footnote 2 to document A/C.6/51/NUW/WG/L.1/Add.4 as one of the States that had reserved their position on article 2, subparagraph (b). That was simply a mistake. With regard to article 32, the footnote to that article did not accurately reflect the substance of his delegation's proposal, and should be corrected. His delegation would also submit in writing to the secretariat various corrections to be made to the Russian version of the Drafting Committee's report.

23. Ms. HULTON (United Kingdom), referring to document A/C.6/51/NUW/L.1/Add.3, said that her delegation associated itself with the United States reservation concerning article 29, and wished to see its position reflected in footnote 1 as well.

24. Mrs. LADGHAM (Tunisia) said that she could find only two references in the report of the Drafting Committee to the reservations expressed by some delegations regarding the use of the word "significant", namely, in document A/C.6/51/NUW/WG/L.1/Corr.1, concerning Iraq's reservation, and in document A/C.6/51/NUW/WG/L.1/Add.2, whose footnote 2 read "The words 'significant harm' shall be reviewed in light of the text of article 7". As that footnote related to the text of articles 21 and 22, it was important for the position of the delegations concerned to be reflected in a footnote to article 7, even if that article was placed in square brackets.

25. Mr. LAMMERS (Netherlands), Chairman of the Drafting Committee, said that footnote 2 of document A/C.6/51/NUW/WG/L.1/Add.2 was intended to apply to all places in the text where the words "significant harm" occurred.

26. Mr. RAO (India) said that, contrary to the agreement reached in the Drafting Committee, the word "conservation" did not appear in the text of article 1 as contained in document A/C.6/51/NUW/WG/L.1; the text should be corrected accordingly.

27. Referring to document A/C.6/51/NUW/WG/L.1/Add.2/Corr.1, he said that, while it properly reflected the compromise reached concerning article 21, paragraph 3, the placement of square brackets around the chapeau ("Watercourse States shall, ... pollution of an international watercourse") was misleading. As no delegation had expressed any difficulties with the chapeau, his delegation suggested that the square brackets should be removed from that portion of the paragraph and placed around the rest of the paragraph, from the words "such as" to the end, in order to make it clear that the entire proposal remained to be discussed.

28. Lastly, his delegation continued to believe that, despite the compromises worked out by the Drafting Committee, article 32 as currently drafted (A/C.6/51/NUW/WG/L.1/Add.3) had no place in a framework convention. His delegation wished to see its position reflected in a separate footnote.

29. Mr. LAMMERS (Netherlands), Chairman of the Drafting Committee, replying to the first point raised by the representative of India, said that the Drafting Committee had decided that the language used in article 1, paragraph 1, should be the same as in the heading of part IV of the draft articles, which did not contain the word "conservation". As to the second point, the representative of India was correct; however, because of time pressures, he had been unable to consult with the drafters of the proposal to determine whether they could agree to the removal of the square brackets from the chapeau.

30. Mr. YIMER (Ethiopia) said that his delegation associated itself with the Tanzanian reservation concerning article 3, paragraph 2, and wished to see its position reflected in a footnote as well.

31. He requested the Chairman to explain why the Egyptian proposal concerning article 2, subparagraph (c), had not been set forth in a footnote.

32. Mr. LAMMERS (Netherlands), Chairman of the Drafting Committee, replying to the representative of Ethiopia, said that the failure to indicate the Egyptian proposal in a footnote was an oversight resulting from confusion at the outset of the Drafting Committee's work.

33. Mr. KASSEM (Syrian Arab Republic) said that his delegation was satisfied with the preceding reply, but wished to see it reflected in the report of the Drafting Committee.

34. Mrs. MEKHEMAR (Egypt) expressed appreciation to the Chairman of the Drafting Committee for his efforts. With regard to article 3, her delegation had supported the French proposal to delete paragraph 3 of that article and replace it with a new paragraph 3 (A/C.6/51/NUW/WG/CRP.15). Her delegation had been promised that the Drafting Committee would revert to that proposal when it decided on the text of article 3; however, no such discussion had taken place. Her delegation therefore reserved its position regarding article 3 and wished to see that reservation reflected in a footnote.

35. Concerning article 17, her delegation had not simply reserved its position on paragraph 3, as indicated in footnote 6 of document A/C.6/51/NUW/WG/L.1/Add.1, but had proposed an amendment, as follows: "During the course of the consultations and negotiations, the notifying States shall, if so requested by the notified State at the time it makes the communication, refrain from implementing or permitting the implementation of the planned measures until the matter is settled between the parties". That proposal should be included in the report of the Drafting Committee, in a footnote, if necessary. The same applied to the Egyptian proposal concerning article 18, paragraph 3.

36. Mr. HARAJ (Iraq) expressed appreciation to the Chairman of the Drafting Committee. His delegation associated itself with the comments made by the representative of Tunisia. To place the text of article 7 in square brackets was not appropriate; it was necessary to refer to the controversy surrounding the word "significant" and the efforts made to arrive at a compromise. One solution might be to append to the report of the Drafting Committee all of the proposals made in the Working Group during the course of its deliberations.

37. The CHAIRMAN said he took it that the Working Group wished to take note of the report of the Drafting Committee.

38. It was so decided.

Draft report of the Working Group to the General Assembly (A/C.6/51/NUW/WG/L.2)

39. The CHAIRMAN, after reading out document A/C.6/51/NUW/WG/L.2, said that the first three paragraphs contained factual descriptions, while paragraph 4 was the result of consultations among some delegations. At the current stage, it was difficult to agree on the dates of any future meetings of the Working Group. The matter would be referred to the Sixth Committee.

40. He took it that the Working Group wished to adopt paragraph 1.

41. It was so decided.

42. Mr. LEGAL (France), supported by Mr. ŠMEJKAL (Czech Republic) and Mr. VARSO (Slovakia), proposed that paragraph 2 of document A/C.6/51/NUW/WG/L.2 should be amended by inserting the words "and in the oral report of its Chairman" at the end of the third sentence.

43. It was unnecessary to remove the ambiguity as to whether the report of the Working Group should be submitted directly to the General Assembly or together with the report of the Sixth Committee, as that ambiguity was likewise apparent in General Assembly resolution 49/52. His delegation was, however, opposed to direct submission to the General Assembly of the Working Group's report and therefore proposed that the beginning of paragraph 4 should be amended to read: "The Working Group recommends that the General Assembly, on the report of the Sixth Committee, convene a second session of the Working Group as soon as possible, for a period of at least two weeks, to continue its work. ..."

44. Mr. VARSO (Slovakia) suggested that the various documents enumerated in paragraph 2 should be combined into a single document.

45. The CHAIRMAN said he took it the Working Group wished to adopt paragraph 2, with the drafting change suggested by Slovakia and as orally amended by France.

46. It was so decided.

47. Mr. RAO (India) proposed that, as a matter of courtesy to the General Assembly, which was in no way responsible for the Working Group's inability to complete its work, paragraph 3 should be amended to read: "Accordingly, the Working Group would need more time to complete its work."

48. The CHAIRMAN said that he took it the Working Group wished to adopt paragraph 3 as orally amended.

49. It was so decided.

50. Mr. HADDADIN (Jordan) said his delegation had difficulty with the phrase "as soon as possible" in paragraph 4, which should convey a sense of urgency with a view to maintaining the momentum already achieved. It should likewise convey the need for consultation with Governments.

51. Mrs. FERNÁNDEZ de GURMENDI (Argentina), supported by Mr. PAZARCI (Turkey), said that her delegation endorsed the French amendments to paragraphs 2 and 4. She emphasized, however, the need to clarify the future method of work, particularly since only some of the draft articles would be referred to the Working Group. She wished to place on record her delegation's understanding of the phrase "building on the work already carried out by the Drafting Committee" in paragraph 4: first, an attempt would be made to reach a decision on the words contained between square brackets; secondly, the points concerning which positions had been reserved would be addressed; and thirdly, delegations would be given the opportunity to raise problems. An indication should also be given of the draft articles to be considered directly by the Drafting Committee.

52. Mr. HAMDAN (Lebanon) said that his delegation wished to place on record its dissatisfaction with paragraph 4. He supported the remarks made by the representative of Jordan. The problem was further complicated by the French proposal that the phrase "on the report of the Sixth Committee", should be inserted in paragraph 4, as that report would not be available until a very late stage. The Committee could, perhaps, submit a preliminary report to the General Assembly within the next few weeks with a view to surmounting that difficulty. He suggested that the phrase "as soon as possible" should be qualified by adding the words "but not later than", followed by a date, which in his delegation's view should be March 1997. Lastly, he expressed surprise that the secretariat had scheduled meetings concerning issues which had not yet been decided by the Committee.

53. Mrs. MEKHEMAR (Egypt) said she supported the French proposal. Consideration should be given to setting a date for reconvening the Working Group on the basis of the report of the Sixth Committee with a view to avoiding a conflict of activities. She associated herself with the reservations expressed concerning the use of the word "significant" in conjunction with the word "harm" in the draft articles; those reservations were not properly reflected in the draft report.

54. Mr. CALERO RODRIGUES (Brazil) said he agreed with the representative of France that it was preferable to maintain the ambiguous status of the Working Group vis-à-vis the Sixth Committee and supported the French amendments to paragraph 4. It would be useful to indicate in that paragraph the period during which the Working Group should be convened. He agreed with the representative of Argentina that the work to be done should be specified more precisely and suggested that the terms of reference for that work could be indicated in a draft resolution of the Sixth Committee.

55. The CHAIRMAN agreed with the representative of Brazil that the question of the mandate for the future meetings of the Working Group should be clearly addressed in the draft resolution of the Sixth Committee.

56. Mr. McCAFFREY (United States of America) said that, given the trend in favour of an early meeting of the Working Group and bearing in mind the work schedule of the Sixth Committee, paragraph 4 should indicate a starting date, as well as a time period that would leave room for flexibility, by using wording such as: "... convene the Working Group from (insert date) for one to two weeks". While sympathizing with the notion that the mandate of the Working Group should be more specific, he disagreed with the Brazilian suggestion in that connection; guidance should be provided by the Working Group. As for the proposed French amendment relating to submission of the Sixth Committee's report, the Working Group should not be bound by a procedure that would delay the General Assembly's adoption of its recommendations and should instead take advantage of the constructive ambiguity contained in General Assembly resolution 49/52 by submitting the report as directly as possible to the General Assembly.

57. Mr. PFIRTER (Observer for Switzerland) said he supported the comments of the representative of Brazil and the proposed French amendments to the draft report, particularly paragraph 4. He also shared the concerns expressed by the representative of Argentina regarding the meaning of the phrase "building on the

work already carried out". Concerning the United States suggestion, he feared that the Working Group might be obliged to request a third session if it met for only one week, a development which would not reflect positively on either the convention or the Working Group. Moreover, while agreeing that it was logical for the Working Group to fix the parameters of the future work, he said that, in view of time constraints, that task might be better left to the Sixth Committee.

58. Mr. SVIRIDOV (Russian Federation) said he supported the proposed French amendments. The words "as soon as possible" in paragraph 4, being open to interpretation, represented an adequate compromise, although the phrase "but no later than early next year" could be added, if necessary. As for the reference to the report of the Sixth Committee, the rules of procedure of the General Assembly could not be disregarded. Moreover, General Assembly resolution 49/52 indicated clearly that the Working Group was related to the Sixth Committee. However, with a view to ensuring that the Chairman of the Working Group had maximum flexibility and bearing in mind the Group's special status, he suggested that the words "to the General Assembly" should be omitted from the title of the draft report.

59. Mr. NGUYEN DUY CHIEN (Viet Nam) said that paragraph 4 should be more specific and should indicate a date not later than March 1997. Concerning the mandate of the Working Group, he agreed with the representative of Argentina and endorsed the view of the United States representative that the work to be done should be identified by the Working Group and not by the Sixth Committee.

60. Mr. DEKKER (Netherlands), supported by Mr. MORSHED (Bangladesh), said that, in the light of the number of draft articles discussed in the past three weeks, one more week would be sufficient to complete the work. He therefore supported the United States suggestion to mention a period of one or two weeks. The phrase "as soon as possible" was too vague and he suggested adding the words "within the next three months". Lastly, concerning the Argentinian and Brazilian proposals to the effect that the task of the Working Group should be clearly defined, it was also important to state in paragraph 4 that the Drafting Committee should focus on articles 7 and 33, the final clauses and the preamble, an arrangement which would also be the subject of a Sixth Committee resolution, if necessary.

61. Mrs. FLORES (Mexico) said she supported the views of the previous speaker. Tentative dates for a meeting should be set with a view to enabling representatives to inform their Governments accordingly and to organize their work. Although one week should be sufficient for the Working Group to complete its work, paragraph 4 would provide greater flexibility if it stated "between one and two weeks" or "up to two weeks". She also agreed with previous speakers that it was important for the Working Group to maintain its ambiguous status vis-à-vis the Sixth Committee. The Sixth Committee's programme of work included no date for receiving the report of the Working Group. She therefore believed, in common with others, that the Working Group could make its recommendations directly to the General Assembly.

62. Mr. RAO (India) reiterated the need for representatives to consult their Governments and for momentum to be maintained, bearing in mind the available facilities and the priorities of the Sixth Committee. He also emphasized that the correct procedure should be followed. His delegation generally agreed with

the proposed French amendments to paragraph 4, although it would prefer that paragraph to contain the specific date of March or April 1997.

63. Mrs. DASKALOPOULOU-LIVADA (Greece) said that the phrase "as soon as possible" needed the clarification supplied by the French amendment, to which she, however, would add the further phrase ", but not later than March". Also, she supported the Argentine delegation's views concerning the future method of work.

64. Mr. THAHIM (Pakistan) proposed that the phrase "as soon as possible" should be replaced by the phrase "for a period of one to two weeks within three months".

65. Mr. SANCHEZ (Spain) said that he would support all the French amendments to paragraph 4, as to both the procedures within the United Nations and the need for a minimum of two weeks. The Working Group would still have to polish the drafting after it reached consensus on disputed points.

66. Mr. YIMER (Ethiopia) said that the representative of the Netherlands was not being realistic. Many parts of the 31 articles provisionally adopted were still between square brackets and even two weeks might not be sufficient to complete the work. He therefore supported the wording "at least two weeks".

67. Mrs. VARGAS (Colombia) said that she supported the French amendments, but that, like the representatives of Spain and Ethiopia, she felt that two weeks were an absolute minimum. As to the procedural question, in the past Working Groups had always submitted their reports through the Sixth Committee, and there would be a few spare days at the end of the Committee's programme of work to discuss such pending matters.

68. Mr. HARAJ (Iraq) agreed that a time-frame of not more than three months should be specified. Furthermore, General Assembly resolution 49/52 provided that the Sixth Committee should convene as a working group of the whole, which was tantamount to saying that the Working Group was the Sixth Committee; the Working Group could therefore report directly to the General Assembly.

69. Mrs. LADGHAM (Tunisia) observed that if it was decided that the Working Group should report to the Committee, the latter would have no time before December to deal with the Working Group's draft report. Also, although the Working Group could meet during the coming year, the Committee would not, and she did not see how the Committee could consider the final report before September 1997.

70. Mr. CHEN Shiqiu (China) said he supported the draft report as it stood. The report made it clear that the Working Group had failed to finish its work and therefore needed to be reconvened, a matter which had to be decided by the Sixth Committee. With regard to paragraph 4, he agreed with France that it was impossible to complete the work in a one-week meeting, but to attempt to do so within a time-frame of three months was also not realistic, and China could not accept any reference to such a time-frame. The phrase "as soon as possible" should therefore be retained.

71. Mr. McCAFFREY (United States of America) said that he most emphatically shared the representative of Tunisia's perplexity as to the consequences of insisting that the Working Group could not report directly to the General Assembly: the French amendment "on the report of the Sixth Committee" would delay matters until the end of November, so that the procedural tail would be wagging the substantive dog. At the very least, his delegation supported the wording "through the Sixth Committee" because it was more constructively ambiguous; but he felt it would be best to say nothing, as in the existing text.

72. Mr. KASSEM (Syrian Arab Republic) observed that the Working Group had not been set up by the Sixth Committee but by the General Assembly and that therefore there was no need for it to report through the Sixth Committee. It could report directly.

73. Mr. VAN de VELDE (Belgium) said that he supported the French amendments but thought that the wording "through the Sixth Committee" was preferable.

74. Mr. MAZILU (Romania) said that he shared the concern expressed by the United States representative. If complicated procedures were followed, the momentum would be lost, and it was important to bear that in mind.

75. Mr. LEGAL (France), addressing the concerns expressed by the representatives of Iraq and the Syrian Arab Republic, said that his intention had not been to cause a delay but rather to harmonize the procedure to be followed with rule 65 of the rules of procedure of the General Assembly, which stipulated that the General Assembly could make final decisions only on the basis of reports of its committees.

76. Mr. PRANDLER (Hungary) said that he agreed with the representative of France that the Working Group had to report to the General Assembly through the Sixth Committee. Moreover, it would have to be determined whether the draft report had to be considered by the Fifth Committee as well before it could be sent to the General Assembly.

77. Mr. HAMDAN (Lebanon) suggested the wording "through a progress report of the Sixth Committee" rather than "through the Sixth Committee".

78. Mr. LEGAL (France) said he would be prepared to accept any formula which did not determine in advance the date on which the report of the Sixth Committee would be made. However, he could not accept the insertion of the word "progress" before "report".

79. The CHAIRMAN suggested that the draft should be left in its original form, with no reference to the report and without prejudice to the position of any delegation, and that due note should be taken of the position of the delegation of France.

80. Mr. LEGAL (France) said that the difference between "on the report" and "on a progress report" was that one was open-ended, whilst the other prejudged the outcome. As most of the speakers had supported his amendment, in their common desire to hurry matters along, he insisted on retaining it as a precautionary measure.

81. Mr. PFIRTER (Observer for Switzerland) suggested that the problem could be resolved by resorting to ambiguity, and changing "on the report of the Sixth Committee" to "through the report ...".

82. Mr. CALERO RODRIGUES (Brazil) said he failed to see how "through the report ..." fitted into the sentence. He supported the Chairman's suggestion, on the understanding that the report would be completed by a draft resolution to be proposed by the Sixth Committee to the General Assembly. However, if he had to choose between the words "on" and "through", he would choose "on".

83. The CHAIRMAN agreed with the representative of Brazil, and said that, since it was obvious that the Sixth Committee would follow up the report, he took it that the Working Group would accept the original language, with no reference to the report.

84. It was so decided.

85. Mr. LEGAL (France) said he could not accept the Chairman's ruling, nor the argument that if something was obvious it did not need to be made explicit; he insisted that there was broad support for his amendment, which did precisely that, and he doubted the good faith of those who opposed it.

The meeting was suspended at 5.44 p.m. and resumed at 5.46 p.m.

86. The CHAIRMAN said that, having consulted the various representatives concerned, he took it that the Working Group would accept the wording, "The Working Group recommends that the General Assembly, on a report of the Sixth Committee, ..."

87. It was so decided.

88. The CHAIRMAN said he took it that the Working Group wished to adopt the proposed change from "convene the Working Group" to "convene a second session of the Working Group".

89. It was so decided.

90. Mr. McCAFFREY (United States of America), referring to the French amendment whereby the words "for a period of at least two weeks" would be inserted after "as soon as possible", said it would be better to remain flexible about the length of time needed to complete the work of the Working Group, but it was important to recommend a time-frame within which the Working Group would be convened. He therefore formally proposed that the phrase "within three months" should be inserted after "as soon as possible".

91. Mrs. MEKHEMAR (Egypt) said she disagreed with the United States representative; the Working Group alone should make the decisions concerning its future schedule, and it should specify the length of time it expected to take to complete its work, as the time-frame could not be determined until that was done. She suggested that "two weeks", rather than "at least two weeks", would be a suitable compromise.

92. Mr. LEGAL (France) said he was prepared to withdraw his amendment on that point if everyone else agreed to withdraw their proposals.

93. The CHAIRMAN said he took it that the Working Group would accept the generous offer made by the representative of France; he would pass on all the views expressed in the debate to the Sixth Committee.

94. It was so decided.

95. Mr. McCAFFREY (United States of America) said he could not accept the Chairman's ruling, since considerable support had been expressed for the inclusion of a time-frame after the words "as soon as possible".

96. Mr. YIMER (Ethiopia) pointed out that the Chairman had made a ruling and it could only be overturned by a two-thirds majority vote.

97. Mr. HADDADIN (Jordan), supported by Mr. THAHIM (Pakistan), pointed out that that rule had not been applied when the representative of France had objected to the Chairman's ruling. He agreed with the United States representative that there was general support for including a time-frame, and felt the Chairman should accept its inclusion in the same spirit in which he had allowed the French proposal to be accepted.

98. The CHAIRMAN said that, in view of the shortage of time, he wished to avoid a vote if at all possible. He pointed out that some delegations had difficulties with the inclusion of a time-frame of "within three months", and he requested the United States representative not to press the matter to a vote.

99. Mr. McCAFFREY (United States of America) said he would like to have assurances about the way the report would be conveyed to the Sixth Committee and about the oral explanations that the Chairman might give to stress the strong feeling expressed that momentum should not be lost and that the Working Group should be reconvened within three months. If no such assurance was forthcoming, a vote would probably be necessary.

100. The CHAIRMAN said he was trying to achieve as much general agreement as possible, even if that meant some deviation from the strict rules of procedure, and he assured the United States representative that due note would be taken of his statement.

101. Mr. HAMDAN (Lebanon) said, as a matter of record, that he found it unacceptable that delegations had been given the floor to object to the Chairman's ruling, while the floor had been refused to his delegation.

102. The CHAIRMAN said he had taken due note of the statement by the representative of Lebanon. He said that, in the absence of consensus, he was trying to proceed according to the general sentiment, as he perceived it, of the Working Group.

103. He took it that the Working Group wished to adopt paragraph 4 as orally amended.

104. It was so decided.

105. The CHAIRMAN said he took it that the Working Group wished to adopt the draft report as a whole, as orally amended.

106. It was so decided.

The meeting rose at 6.10 p.m.